

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 122
Committee Substitute Favorable 3/8/95

Short Title: Transporter Plate/Salvage Changes.

(Public)

Sponsors:

Referred to:

February 7, 1995

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE ALLOWABLE USES OF TRANSPORTER PLATES, TO ALLOW OWNERS OF SALVAGE VEHICLES TO RETAIN TITLE TO THE VEHICLES, AND TO EXEMPT OUT-OF-STATE UTILITY VEHICLES THAT ARE USED IN CERTAIN EMERGENCY OPERATIONS FROM THE VEHICLE REGISTRATION AND ROAD TAX REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79.2(a) reads as rewritten:

"(a) Who Can Get a Plate. – A person engaged in a business requiring the limited operation of a motor vehicle for any of the following purposes may obtain a transporter plate authorizing the movement of the vehicle for the specific purpose:

(1) To facilitate the manufacture, construction, rebuilding, or delivery of new or used truck cabs or bodies between manufacturer, dealer, seller, or purchaser.

(2) To repossess a motor vehicle.

(3) To pick up a motor vehicle that is to be repaired or otherwise prepared for sale by a dealer, to road-test the vehicle, if it is repaired, within a 10-mile radius of the place where it is repaired, and to deliver the vehicle to the dealer.

- 1 (4) To move a motor vehicle that is owned by a ~~public utility, as defined in~~
2 ~~G.S. 62-3(23)a,~~ the business and is a replaced vehicle offered for sale.
- 3 (5) To take a motor vehicle either to or from a motor vehicle auction where
4 the vehicle will be or was offered for sale.
- 5 (6) To road-test a repaired truck whose GVWR is at least 15,000 pounds
6 when the test is performed within a 10-mile radius of the place where
7 the truck was repaired and the truck is owned by a person who has a
8 fleet of at least five trucks whose GVWRs are at least 15,000 pounds
9 and who maintains the place where the truck was repaired.
- 10 (7) To move a mobile office, a mobile classroom, or a mobile or
11 manufactured home.
- 12 (8) To drive a motor vehicle that is at least 25 years old to and from a
13 parade or another public event and to drive the motor vehicle in that
14 event. A person who owns a motor vehicle that is at least 25 years old
15 is considered to be in the business of collecting those vehicles.
- 16 (9) To drive a motor vehicle that is part of the inventory of a dealer to and
17 from a motor vehicle trade show or exhibition or to, during, and from a
18 parade in which the motor vehicle is used.
- 19 (10) To drive special mobile equipment in any of the following
20 circumstances:
- 21 a. From the manufacturer of the equipment to a facility of a dealer.
22 b. From one facility of a dealer to another facility of a dealer.
23 c. From a dealer to the person who buys the equipment from the
24 dealer."

25 Sec. 2. G.S. 20-85 reads as rewritten:

26 **"§ 20-85. Schedule of fees.**

27 (a) The following fees are imposed concerning a certificate of title, a
28 registration card, or a registration plate for a motor vehicle. These fees are payable to the
29 Division and are in addition to the tax imposed by Article 5A of Chapter 105 of the
30 General Statutes.

- 31 (1) Each application for certificate of
32 title \$35.00
- 33 (2) Each application for duplicate
34 or corrected certificate of title 10.00
- 35 (3) Each application of reposessor for
36 certificate of title 10.00
- 37 (4) Each transfer of registration 10.00
- 38 (5) Each set of replacement registration
39 plates 10.00
- 40 (6) Each application for duplicate registration
41 card 10.00
- 42 (7) Each application for recording supplementary
43 lien 10.00

- 1 (8) Each application for removing a lien from a
- 2 certificate of title 10.00
- 3 (9) Each application for certificate of title for a
- 4 motor vehicle transferred to a manufacturer,
- 5 as defined in G.S. 20-286, or a motor vehicle
- 6 retailer for the purpose of resale ~~10.00-~~10.00
- 7 (10) Each application for a salvage certificate
- 8 of title made by an insure.....10.00.
- 9 (b) Thirty-one dollars and fifty cents (\$31.50) of each title fee collected under
- 10 subdivision (a)(1) of this section and all of the fees collected under ~~the other subdivisions~~
- 11 ~~in subsection (a) (a)(2) through (a)(9) of this section~~ shall be credited to the North Carolina
- 12 Highway Trust Fund; ~~the Fund.~~ The remaining three dollars and fifty cents (\$3.50) of the
- 13 title fee collected under subdivision (a)(1) of this section and the fees collected under
- 14 subdivision (a)(10) of this section shall be credited to the Highway Fund. Fifteen dollars
- 15 (\$15.00) of each title fee credited to the Trust Fund under subdivision (a)(1) shall be
- 16 added to the amount allocated for secondary roads under G.S. 136-176 and used in
- 17 accordance with G.S. 136-44.5."

18 Sec. 3. G.S. 20-109.1 reads as rewritten:

19 "**§ 20-109.1. Surrender of titles to salvage vehicles.**

- 20 (a) ~~A vehicle shall be deemed to be a salvage vehicle:~~
- 21 (1) ~~When an insurance company has paid a claim on a vehicle damaged by~~
- 22 ~~collision or other occurrence to the extent that the claim paid exceeds~~
- 23 ~~seventy five percent (75%) of the fair market retail value as found in the~~
- 24 ~~NADA Pricing Guide Book or other publications approved by the~~
- 25 ~~Commissioner, or~~
- 26 (2) ~~When an insurance company has acquired title to a vehicle in settlement~~
- 27 ~~of a theft loss claim, and upon recovery of the vehicle it is determined~~
- 28 ~~that the vehicle has been damaged to the extent that it would be~~
- 29 ~~considered a salvage vehicle under the provisions of G.S. 20-~~
- 30 ~~4.01(33)(d).~~

31 ~~If the salvage vehicle was registered in North Carolina, or if the loss or damages~~

32 ~~occurred in North Carolina, or if the sale of the salvage vehicle takes place in North~~

33 ~~Carolina then the insurance company or their authorized agent shall within 10 days after~~

34 ~~payment of a claim forward to the Division of Motor Vehicles the certificate of title or~~

35 ~~the comparable ownership document issued by the jurisdiction wherein the vehicle was~~

36 ~~last registered. The certificate of title or comparable ownership document shall be~~

37 ~~properly assigned to the insurance company by the vehicle owner. Subsequent transfers~~

38 ~~of ownership shall be on forms provided by the Division; and such forms shall be mailed~~

39 ~~by the Division to the insurance company at the address furnished in the assignment of~~

40 ~~title from the registered owner, unless otherwise requested in writing by the insurance~~

41 ~~company or their authorized agent. The insurance company shall make an assignment of~~

42 ~~ownership on the form and deliver it to the purchaser upon sale of the salvage vehicle.~~

43 ~~The forms shall be considered as proof of ownership for the purpose of G.S. 20-61. In~~

1 the event the salvage vehicle is rebuilt, an application for reissuance of the title shall be
2 made on a form prescribed by the Division, and the application shall be accompanied by
3 such supporting information as the Division may require.

4 (b) Any person acquiring or having possession of any salvage vehicle, purchased
5 in those states that do not require the surrender of titles to salvage vehicles shall within 10
6 days following delivery of the vehicle and title forward to the Division the certificate of
7 title or comparable ownership document issued by the jurisdiction wherein the vehicle
8 was last registered, with properly executed assignments and reassignments of such title or
9 ownership document. Subsequent transfers of ownership and reissuance of the title shall
10 be as provided for in subsection (a) hereof.

11 (e) Except when operated by or at the direction of the Commissioner or his
12 designee, no person shall operate a salvage vehicle prior to compliance with Division
13 requirements prerequisite to application for reissuance of a title. The rebuilt salvage
14 vehicle may be operated following completion of the required examination and
15 certification, provided the operation shall be in compliance with Chapter 20.

16 (a) Option to Keep Title. – When a vehicle is damaged to the extent that it
17 becomes a salvage vehicle and the owner submits a claim for the damages to the insurer
18 of the vehicle, the insurer must determine whether the owner wants to keep the vehicle
19 after payment of the claim. If the owner does not want to keep the vehicle after payment
20 of the claim, the procedures in subsection (b) of this section apply. If the owner wants to
21 keep the vehicle after payment of the claim, the procedures in subsection (c) of this
22 section apply.

23 (b) Transfer to Insurer. – If a salvage vehicle owner does not want to keep the
24 vehicle, the owner must assign the vehicle's certificate of title to the insurer when the
25 insurer pays the claim. The insurer must send the assigned title to the Division within 10
26 days after receiving it from the vehicle owner. The Division must then send the insurer a
27 form to use to transfer title to the vehicle from the insurer to a person who buys the
28 vehicle from the insurer. If the insurer sells the vehicle, the insurer must complete the
29 form and give it to the buyer. If the buyer rebuilds the vehicle, the buyer may apply for a
30 new certificate of title to the vehicle.

31 (c) Owner Keeps Vehicle. – If a salvage vehicle owner wants to keep the vehicle,
32 the insurer must give the owner an owner-retained salvage form. The owner must
33 complete the form and give it to the insurer when the insurer pays the claim. The owner's
34 signature on the owner-retained salvage form must be notarized. The insurer must send
35 the completed form to the Division within 10 days after receiving it from the vehicle
36 owner. The Division must then note in its vehicle registration records that the vehicle
37 listed on the form is a salvage vehicle.

38 (d) Theft Claim on Salvage Vehicle. – An insurer that pays a theft loss claim on a
39 vehicle and, upon recovery of the vehicle, determines that the vehicle has been damaged
40 to the extent that it is a salvage vehicle must send the vehicle's certificate of title to the
41 Division within 10 days after making the determination. The Division and the insurer
42 must then follow the procedures set in subsection (b) of this section.

1 (e) Out-of-State Vehicle. – A person who acquires a salvage vehicle that is
2 registered in a state that does not require surrender of the vehicle's certificate of title must
3 send the title to the Division within 10 days after the vehicle enters this State. The
4 Division and the person must then follow the procedures set in subsection (b) of this
5 section.

6 ~~(d)~~ ~~(f) A violation~~ Violation of any provision of this section shall constitute is a Class
7 1 misdemeanor. In addition to ~~these~~ this criminal penalties, ~~any~~ sanction, a person who
8 violates this section is subject to a civil penalty of up to one hundred dollars (\$100.00), to
9 be imposed in the discretion of the Commissioner.

10 ~~(e)~~ ~~(g) The Commissioner shall charge a fee of ten dollars (\$10.00) for issuing a~~
11 ~~title or forms as required by this section.~~ G.S. 20-85 sets the fee for issuing a salvage
12 certificate of title."

13 Sec. 4. G.S. 20-51 reads as rewritten:

14 **"§ 20-51. Exempt from registration.**

15 The following shall be exempt from the requirement of registration and certificate of
16 title:

- 17 (1) Any such vehicle driven or moved upon a highway in conformance with
18 the provisions of this Article relating to manufacturers, dealers, or
19 nonresidents.
- 20 (2) Any such vehicle which is driven or moved upon a highway only for the
21 purpose of crossing such highway from one property to another.
- 22 (3) Any implement of husbandry, farm tractor, road construction or
23 maintenance machinery or other vehicle which is not self-propelled that
24 was designed for use in work off the highway and which is operated on
25 the highway for the purpose of going to and from such nonhighway
26 projects.
- 27 (4) Any vehicle owned and operated by the government of the United
28 States.
- 29 (5) Farm tractors equipped with rubber tires and trailers or semitrailers
30 when attached thereto and when used by a farmer, his tenant, agent, or
31 employee in transporting his own farm implements, farm supplies, or
32 farm products from place to place on the same farm, from one farm to
33 another, from farm to market, or from market to farm. This exemption
34 shall extend also to any tractor, implement of husbandry, and trailer or
35 semitrailer while on any trip within a radius of 10 miles from the point
36 of loading, provided that the vehicle does not exceed a speed of 35
37 miles per hour. This section shall not be construed as granting any
38 exemption to farm tractors, implements of husbandry, and trailers or
39 semitrailers which are operated on a for-hire basis, whether money or
40 some other thing of value is paid or given for the use of such tractors,
41 implements of husbandry, and trailers or semitrailers.
- 42 (6) Any trailer or semitrailer attached to and drawn by a properly licensed
43 motor vehicle when used by a farmer, his tenant, agent, or employee in

1 transporting unginned cotton, peanuts, soybeans, corn, hay, tobacco,
2 silage, cucumbers, potatoes, fertilizers or chemicals purchased or owned
3 by such farmer or tenant for personal use in implementing husbandry or
4 irrigation pipes and equipment owned by such farmer or tenant from
5 place to place on the same farm, from one farm to another, from farm to
6 gin, from farm to dryer, or from farm to market, and when not operated
7 on a for-hire basis. The term 'transporting' as used herein shall include
8 the actual hauling of said products and all unloaded travel in connection
9 therewith.

10 (7) Those small farm trailers known generally as tobacco-handling trailers,
11 tobacco trucks or tobacco trailers when used by a farmer, his tenant,
12 agent or employee, when transporting or otherwise handling tobacco in
13 connection with the pulling, tying or curing thereof.

14 (8) Any vehicle which is driven or moved upon a highway only for the
15 purpose of crossing or traveling upon such highway from one side to the
16 other provided the owner or lessee of the vehicle owns the fee or a
17 leasehold in all the land along both sides of the highway at the place or
18 crossing.

19 (9) Mopeds as defined in G.S. 20-4.01(27)d1.

20 (10) Devices which are designed for towing private passenger motor vehicles
21 or vehicles not exceeding 5,000 pounds gross weight. These devices are
22 known generally as 'tow dollies.' A tow dolly is a two-wheeled device
23 without motive power designed for towing disabled motor vehicles and
24 is drawn by a motor vehicle in the same manner as a trailer.

25 (11) Devices generally called converter gear or dollies consisting of a tongue
26 attached to either a single or tandem axle upon which is mounted a fifth
27 wheel and which is used to convert a semitrailer to a full trailer for the
28 purpose of being drawn behind a truck tractor and semitrailer.

29 (12) Motorized wheelchairs or similar vehicles not exceeding 1,000 pounds
30 gross weight when used for pedestrian purposes by a handicapped
31 person with a mobility impairment as defined in G.S. 20-37.5.

32 (13) Any vehicle registered in another state and operated temporarily within
33 this State by a public utility, a governmental or cooperative provider of
34 utility services, or a contractor for one of these entities for the purpose
35 of restoring utility services in an emergency outage."

36 Sec. 5. G.S. 105-449.47 reads as rewritten:

37 "**§ 105-449.47. Registration of vehicles.**

38 (a) Requirement. – A motor carrier may not operate or cause to be operated in this
39 State any vehicle listed in the definition of motor carrier unless both the motor carrier and
40 the motor vehicle are registered with the Secretary for purposes of the tax imposed by
41 this Article.

42 Upon application, the Secretary shall register a motor carrier and shall issue at least
43 one identification marker for each motor vehicle operated by the motor carrier. A copy

1 of the registration of a motor carrier shall be carried in each motor vehicle operated by
2 the motor carrier when the vehicle is in this State. An identification marker shall be
3 clearly displayed at all times and shall be affixed to the vehicle for which it was issued in
4 the place and manner designated by the Secretary. Registrations and identification
5 markers required by this section shall be issued on a calendar year basis. The Secretary
6 may renew a registration or an identification marker without issuing a new registration or
7 identification marker. All identification markers issued by the Secretary remain the
8 property of the State. The Secretary may withhold or revoke a registration or an
9 identification marker when a motor carrier fails to comply with this Article or Article
10 36A of this Subchapter.

11 (b) Exemption. – This section does not apply to the operation of a vehicle that is
12 registered in another state and is operated temporarily in this State by a public utility, a
13 governmental or cooperative provider of utility services, or a contractor for one of these
14 entities for the purpose of restoring utility services in an emergency outage."

15 Sec. 6. Sections 2 and 3 of this act become effective July 1, 1995. Sections 4
16 and 5 of this act become effective October 1, 1995. The remaining sections of this act are
17 effective upon ratification.